

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CALVIN GREGORY
WILLIAMS, TATIANNA LASHAWN
WILLIAMS, SHAWNTAY SHENIQUA
WILLIAMS, and DIAMOND UNIQUE
WILLIAMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JENNIFER LYNN MUSIALEK, a/k/a BONNIE
BUTLER,

Respondent-Appellant,

and

CALVEN DUWAYNE WILLIAMS, SR.,

Respondent.

UNPUBLISHED

August 4, 2005

No. 260146
Berrien Circuit Court
Family Division
LC No. 2004-000010-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

The trial court did not clearly err in determining that clear and convincing evidence established at least one statutory ground for termination of respondent-appellant's parental rights. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent-appellant admitted that her parental rights to her four older children had been terminated by the state of Illinois for neglect. Thus, MCL 712A.19b(3)(l) was established. Respondent-appellant argues that the legislature could not have intended to terminate a parent's parental rights merely because her rights to another child had been terminated, without some further showing. However, the statute is without ambiguity, and therefore judicial construction is precluded. *Macomb Co Prosecutor v Murphy*, 464 Mich 149, 158; 627 NW2d 247 (2001).

Furthermore, the statute does require a showing other than that the parent's rights to another child were terminated. It requires that the best interests of the child not preclude termination. MCL 712A.19b(5). We find that the trial court did not clearly err in its best interests determination. The children were removed for a few days in January 2004, and then returned to respondent-appellant. After petitioner worked with respondent-appellant for several months, she still was not able to properly care for the children's hygiene or to maintain sanitary home conditions and the children were again removed in May 2004. Although there was testimony that respondent-appellant loved her children and that the children loved her, there was also testimony that their family life lacked structure and discipline and there was a significant level of dysfunction in the family. It was not clear that respondent-appellant supported and believed her daughter who had accused the children's father of sexually molesting her over a number of years. Respondent-appellant had not fully and successfully addressed her longstanding substance abuse issues, which actually worsened during the pendency of this case. She appeared to need to direct most of her energy toward maintaining sobriety and attending individual counseling and was overwhelmed with parenting four children. Therefore, the trial court did not clearly err in its best interest determination.

Affirmed.

/s/ Brian K. Zahra
/s/ Hilda R. Gage
/s/ Christopher M. Murray